

JFM:JAG
F.#2008R01486

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA

- against -

PHILIP BARRY,

Defendant.

ORDER

09-CR-833 (RJD)

- - - - - X

IT IS HEREBY ORDERED, with respect to the defendant
Philip Barry's March 11, 2011 sentencing, that:

Introduction

1. Pursuant to the Justice for All Act of 2004, crime victims have the right to be "reasonably heard" at any public proceeding in the district court involving sentencing. 18 U.S.C. § 3771(a)(4). In this case, the Court finds that it would be impracticable to accord all of the victims the right to be heard at sentencing, and therefore the Court will follow the procedures set forth herein to give effect to the victims' rights. See id. § 3771(d)(2).

Written Statements

2. Victims who wish to be heard only in writing may mail a written statement to the United States Attorney's Office for the Eastern District of New York, at the following address:

Lisa Foster, Victim Witness Coordinator
United States Attorney's Office
Eastern District of New York
271 Cadman Plaza East
Brooklyn, NY 11201
Attention: Philip Barry Sentencing

To be considered by the Court, a victim's written statement must be received by the United States Attorney's Office by January 31, 2011.

3. All written statements received by the United States Attorney's Office will be provided to the Court and to the defense, and will be made part of the public record. Prior to making such disclosures, the United States Attorney's Office may redact victims' contact information.

Verbal Statements

4. Victims who wish to speak at the sentencing (either in addition to or in lieu of a written statement) should call Special Agent Thomas McDonald of the Federal Bureau of Investigation at (212) 384-4657 by January 31, 2011. Due to voicemail space limitations, victims who reach Agent McDonald's voicemail should simply (a) provide their names and phone numbers and (b) indicate that they wish to speak at sentencing.

5. Due to the number of victims in this case, the Court cannot guarantee that every victim who wishes to speak at sentencing will be provided an opportunity to do so. Depending on the number of victims who wish to speak, the Court might limit both the number of speakers and the amount of time each victim is

given to speak. Those victims who will be permitted to speak will be notified by February 11, 2011. All verbal statements must be made in open court and will be made part of the public record.

Other Matters

6. Separate and apart from the procedures set forth above, crime victims may submit an affidavit of financial loss to the United States Probation Department.

7. The United States Attorney's Office is directed to promptly post this order on its website.

Dated: Brooklyn, New York
12/1, 2010

s/ Judge Raymond J. Dearie

HONORABLE RAYMOND J. DEARIE
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF NEW YORK